



Decision of the Zoning Board of Appeals on application of Christopher J. Young, 30 Williamsburg Lane Scituate, MA for a Special Permit/Finding under M.G.L. Chapter 40A, Section 6 that would allow the existing, non-conforming dwelling located at 14 Collier Rd. Scituate, MA to be torn down and replaced with an entirely new dwelling.

The application was received, advertised, and a public hearing was duly held on November 19, 2009, with the following members of the Zoning Board of Appeals hearing the Application:

Peter Morin, Chairman
Sara Trezise
John Hallin

The property located at 14 Collier Rd. Scituate MA is in the A-3 residential district and is owned by Christopher J. Young and Constance J. Clarke pursuant to Certificate of Title in book 36775, pages 240-242 recorded at the Plymouth County Registry of Deeds. The original house was constructed in 1952, prior to the adoption of the zoning bylaws in 1953, and therefore enjoys grandfather status. The lot does not comply with current zoning bylaw requirements as to frontage, front and side set backs and lot size.

The applicant will raze the pre-existing, non-conforming dwelling and proposes to build a new dwelling, not to exceed the existing foot print set backs. (Existing side set back 3.0', proposed side set back 4.0', existing front set back of 17.6', proposed front set back of 17.9'). The new dwell will not be substantially more detrimental than the existing non-conforming dwelling.


Under the second "except" clause of the first paragraph of Section 6 M.G.L. Chapter 40A, "reconstruction" of a pre-existing, non-conforming single or two-family residential structure is permitted as a matter of right if the reconstruction does not increase the non-conforming nature of said structure. Since the term "reconstruction" is used in the statute without any modifying adjectives, the Board has previously decided that it should be given its broadest meaning and that, accordingly, it is intended to mean total, as well as partial, reconstruction.

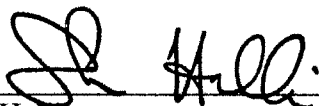
The Board FINDS that based upon the applicant's representations the new single family dwelling to be constructed on the property will not be substantially more detrimental; to the neighbors or neighborhood than the existing single family dwelling. Accordingly, the Board determines that the applicant may construct said dwelling as a matter of right, provided that, in accordance with Section 810 of the Zoning Bylaw, reconstruction of the dwelling is completed within two years following the razing of the existing dwelling.

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ZONING BOARD OF APPEALS


Peter Morin, Chairman


Sara Trezise


John Hallin

Filed with the Town Clerk on: December 23, 2009

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.